

HOUSE BILL 740

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F1

2004 Regular Session  
(41r2307)

ENROLLED BILL

-- Ways and Means/Education, Health, and Environmental Affairs --

Introduced by **Delegates Simmons and King**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Safe Schools Reporting Act of 2004**

3 FOR the purpose of requiring ~~each county board of education to create a program for~~  
4 ~~reporting~~ the State Department of Education to require a county board to report  
5 certain incidents against certain students; authorizing certain persons to file a  
6 report regarding certain incidents; requiring ~~each county board~~ the State  
7 Department of Education to create a standard victim of harassment or  
8 intimidation report form; providing for the contents and distribution of a certain  
9 form; requiring a county board to submit ~~copies~~ summaries of a certain form to  
10 the State ~~Board~~ Department of Education on or before a certain date each year;  
11 requiring a county board to delete identifying information from certain forms  
12 under certain circumstances; requiring the State ~~Board~~ Department of  
13 Education to submit a certain report on or before a certain date each year to  
14 certain committees consisting of certain information relating to victim of  
15 harassment or intimidation reports filed with county boards; providing for the  
16 termination of this Act; and generally relating to reporting incidents of  
17 harassment or intimidation of students at public schools.

1 BY adding to  
 2 Article - Education  
 3 Section 7-420  
 4 Annotated Code of Maryland  
 5 (2001 Replacement Volume and 2003 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article - Education**

9 7-420.

10 (A) IN THIS SECTION, "HARASSMENT OR INTIMIDATION" MEANS CONDUCT,  
 11 INCLUDING VERBAL CONDUCT, THAT:

12 (1) CREATES, OR CERTAINLY WILL CREATE, A HOSTILE EDUCATIONAL  
 13 ENVIRONMENT BY SUBSTANTIALLY INTERFERING WITH A STUDENT'S EDUCATIONAL  
 14 BENEFITS, OPPORTUNITIES, OR PERFORMANCE, OR WITH A STUDENT'S PHYSICAL OR  
 15 PSYCHOLOGICAL WELL-BEING AND IS:

16 (I) MOTIVATED BY AN ACTUAL OR A PERCEIVED PERSONAL  
 17 CHARACTERISTIC SUCH AS RACE, NATIONAL ORIGIN, MARITAL STATUS, SEX, SEXUAL  
 18 ORIENTATION, GENDER IDENTITY, RELIGION, OR DISABILITY; OR

19 (II) THREATENING OR SERIOUSLY INTIMIDATING; AND

20 (2) OCCURS ON SCHOOL PROPERTY, AT A SCHOOL ACTIVITY OR EVENT,  
 21 OR ON A SCHOOL BUS.

22 (B) (1) ~~EACH COUNTY BOARD SHALL CREATE A PROGRAM FOR REPORTING~~  
 23 THE DEPARTMENT SHALL REQUIRE A COUNTY BOARD TO REPORT INCIDENTS OF  
 24 HARASSMENT OR INTIMIDATION AGAINST STUDENTS ATTENDING A PUBLIC SCHOOL  
 25 UNDER THE JURISDICTION OF THE COUNTY BOARD.

26 (2) AN INCIDENT OF HARASSMENT OR INTIMIDATION MAY BE  
 27 REPORTED BY A STUDENT OR THE PARENT, GUARDIAN, OR CLOSE ADULT RELATIVE  
 28 OF A STUDENT.

29 (C) (1) ~~EACH COUNTY BOARD~~ THE DEPARTMENT SHALL CREATE A  
 30 STANDARD VICTIM OF HARASSMENT OR INTIMIDATION REPORT FORM.

31 (2) EACH VICTIM OF HARASSMENT OR INTIMIDATION REPORT FORM  
 32 SHALL:

33 (I) IDENTIFY THE VICTIM AND THE ALLEGED PERPETRATOR, IF  
 34 KNOWN;

1 (II) INDICATE THE AGE OF THE VICTIM AND ALLEGED  
2 PERPETRATOR;

3 (III) DESCRIBE THE INCIDENT, INCLUDING ALLEGED STATEMENTS  
4 MADE BY THE ALLEGED PERPETRATOR;

5 (IV) INDICATE THE LOCATION OF THE INCIDENT;

6 (V) IDENTIFY ANY PHYSICAL INJURY SUFFERED BY THE VICTIM  
7 AND DESCRIBE THE SERIOUSNESS AND ANY PERMANENT EFFECTS OF THE INJURY;

8 (VI) IDENTIFY ANY REQUEST FOR PSYCHOLOGICAL SERVICES  
9 INITIATED BY THE VICTIM OR THE VICTIM'S FAMILY DUE TO PSYCHOLOGICAL  
10 INJURIES SUFFERED; ~~AND~~

11 (VII) DESCRIBE THE CORRECTIVE ACTION THE VICTIM WOULD LIKE  
12 TO ~~OCCUR~~; OCCUR; AND

13 ~~(3) EACH VICTIM OF HARASSMENT OR INTIMIDATION REPORT FORM~~  
14 ~~SHALL~~

15 (VIII) INCLUDE INSTRUCTIONS ON HOW TO FILL OUT THE FORM AND  
16 THE MAILING ADDRESS TO WHERE THE FORM SHALL BE SENT.

17 ~~(4)~~ (3) A COUNTY BOARD SHALL DISTRIBUTE COPIES OF THE VICTIM  
18 OF HARASSMENT OR INTIMIDATION REPORT FORM TO EACH PUBLIC SCHOOL UNDER  
19 THE COUNTY BOARD'S JURISDICTION.

20 (D) (1) EACH COUNTY BOARD SHALL SUBMIT ~~COPIES OF ALL THE VICTIM OF~~  
21 ~~HARASSMENT OR INTIMIDATION~~ SUMMARIES OF REPORT FORMS FILED WITH THE  
22 COUNTY BOARD TO THE STATE BOARD ON OR BEFORE JANUARY 31 EACH YEAR.

23 (2) A COUNTY BOARD SHALL DELETE ANY INFORMATION THAT  
24 IDENTIFIES AN INDIVIDUAL.

25 (E) (1) ~~THE STATE BOARD~~ DEPARTMENT SHALL SUBMIT A REPORT ON OR  
26 BEFORE MARCH 31 EACH YEAR TO THE SENATE EDUCATION, HEALTH, AND  
27 ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE WAYS AND MEANS  
28 COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,  
29 CONSISTING OF A ~~COMPILATION~~ SUMMARY OF THE INFORMATION INCLUDED IN THE  
30 VICTIM OF HARASSMENT OR INTIMIDATION REPORT FORMS FILED WITH THE  
31 COUNTY BOARDS THE PREVIOUS YEAR.

32 (2) THE REPORT SUBMITTED BY THE ~~STATE BOARD~~ DEPARTMENT SHALL  
33 INCLUDE, TO THE EXTENT FEASIBLE:

34 (I) A DESCRIPTION OF THE ACT CONSTITUTING THE HARASSMENT  
35 OR INTIMIDATION;

36 (II) THE AGE OF THE VICTIM AND ALLEGED PERPETRATOR;

1 (III) ~~TO THE EXTENT FEASIBLE, A DETERMINATION~~ THE  
2 ALLEGATION OF THE ALLEGED PERPETRATOR'S MOTIVE;

3 (IV) A DESCRIPTION OF THE INVESTIGATION OF THE COMPLAINT  
4 AND ANY CORRECTIVE ACTION TAKEN BY THE APPROPRIATE SCHOOL AUTHORITIES;  
5 AND

6 (V) ~~A STATISTICAL BREAKOUT~~ BREAKDOWN OF THE NUMBER OF  
7 FALSE ALLEGATIONS REPORTED; ~~AND~~

8 ~~(VI) ANY OTHER INFORMATION NECESSARY TO DETERMINE THE~~  
9 ~~NATURE AND EXTENT OF THE TYPES OF HARASSING OR INTIMIDATING INCIDENTS~~  
10 ~~AND THE MOTIVATION BEHIND THE INCIDENTS.~~

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
12 effect July 1, 2004. It shall remain effective for a period of 4 years and, at the end of  
13 June 30, 2008, with no further action required by the General Assembly, this Act shall  
14 be abrogated and of no further force and effect.